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Attorneys for Defendant Evenflo Company, Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

YVETTE VELO,
 Plaintiff,

vs.

EVENFLO COMPANY, INC., a Foreign
 Corporation; BED BATH & BEYOND, a
 defunct New Jersey corporation formerly
 doing business as BUY BUY BABY, LLC;
 DOES I through X; and ROE
 CORPORATIONS I through X, inclusive,
 Defendants.

Case No. 2:25-cv-00116-APG-BNW

**STIPULATION AND ORDER RE:
 REMAND TO STATE COURT**

On January 17, 2025, Defendant Evenflo Company, Inc. (“Evenflo”) filed its Notice of Removal to this Court (ECF No. 1) based on diversity jurisdiction. On January 21, 2025, undersigned counsel for Plaintiff Yvette Velo sent the attached email to counsel for Defendant Evenflo, stating that “[t]his case does not meet the jurisdictional limits of \$75,000. In fact, we are not even planning on removing it from the state’s arbitration program.” See email from R. Englemann attached as **Exhibit A**.

Accordingly, Plaintiff and Evenflo, by and through their respective counsel of record, hereby STIPULATE AND AGREE:

1. Plaintiff is not seeking and will not seek damages in excess of \$50,000, exclusive of fees, costs and interest, nor damages in excess of \$75,000 inclusive of all fees, costs and interest in connection with this lawsuit;

2. Based on Plaintiff's counsel written representation that Plaintiff is not seeking damages in excess of \$50,000.00 exclusive of fees, costs and interest, nor damages in excess of \$75,000 inclusive of all fees, costs and interest in connection with this lawsuit, this case should be remanded to the Eighth Judicial District Court, Clark County, Nevada, Case No. A-24-908073-C (the "State Action").
3. Evenflo's response to Plaintiff's Complaint shall be due 14 days after the remand is effectuated and this case is re-opened on the Clark County docket or as otherwise agreed by counsel.
4. This Stipulation shall be binding and enforceable in the State Action.

Dated: January 24, 2025.

**EVANS FEARS SCHUTTERT MCNULTY
MICKUS**

RYAN ALEXANDER, CHTD.

/s/ Jay J. Schutttert
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Attorneys for Defendant Evenflo Company, Inc.

Attorneys for Plaintiff Yvette Velo

ORDER

BASED ON THE STIPULATION HEREIN AND GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that this Stipulation is approved and this case shall be remanded to the Eighth Judicial District Court, Clark County, Nevada, Case No. A-24-908073-C, based on Plaintiff's counsel's representation that Plaintiff's alleged damages, exclusive of all fees, costs and interest, do not exceed \$50,000, nor do they exceed \$75,000 inclusive of all fees, costs, and interest.

IT IS SO ORDERED:


ANDREW P. GORDON
CHIEF U.S. DISTRICT COURT JUDGE

Dated: January 27, 2025

1 Respectfully submitted by:

2 **EVANS FEARS SCHUTTERT MCNULTY MICKUS**

3
4 /s/ Jay J. Schuttert

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